



State of Vermont
Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

MEMORANDUM

To: Superintendents, Principals
From: Armando Vilaseca, Commissioner
Re: Run Abuse Registry Checks on Prospective Employees
Date: July 1, 2010

Recently, we were alerted that drafting oversights during the 2010 legislative session have introduced ambiguity to the effective date for mandatory abuse registry checks; the effective date may be as soon as July 1, 2010.

The Department of Education strongly advises school districts to run Child Protection Registry and Adult Abuse Registry checks on *all* prospective school employees, effective immediately. Districts should also run checks for school contractors who may have unsupervised contact with schoolchildren. Each registry, maintained by the Department for Children and Families and the Department of Aging and Independent Living, respectively, contains a list of persons who were found to have engaged in behavior that might indicate they should not have unsupervised contact with schoolchildren. It is the intent of the Vermont Legislature that all prospective school employees be checked against both abuse registries, in addition to undergoing a standard criminal record check.

At this time, it is unclear when it will become state law that prospective school employees are checked against the abuse registries. The intent of the original legislation was that the effective date should be December 31, 2010. However, as a result of legislative drafting oversights during the 2010 session of the Vermont General Assembly, some legal interpretation suggests it became law on July 1, 2010; other interpretations suggest the provision was removed from the law. At the very least, school districts should expect this law to become effective sometime in the next 12 months. The issue arose because Act 108 of 2010 (S.161) amended 16 V.S.A. § 255 without unambiguously incorporating changes to that section of law that were enacted as part of Act 1 of 2009. Regardless, the most prudent course of action for any school district would be to begin checking the abuse registries for prospective school employees immediately.

More information regarding the registries can be found at this Web link: http://dcf.vermont.gov/child_protection_registry. Note that a person is not categorically barred from school employment if he or she appears on an abuse registry; the registries are intended to provide information to prospective employers regarding a person's history working with vulnerable people.

An online system is available to check both registries simultaneously. Information to subscribe to this service can be found at <http://www.ahsnet.ahs.state.vt.us/abc/SubscriberHome.cfm>.